

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FREDERICK HALL,	:	
	:	Case No. 1:02-cv-34
Petitioner,	:	
	:	Judge Spiegel
v.	:	
	:	Magistrate Judge Black
ERNIE MOORE, Warden,	:	
	:	
Respondent.	:	

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Now comes Respondent, by and through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting an extension of time of sixty days, through and including July 20, 2007, in which to file a copy of the transcript of petitioner's first trial, as well as any other available evidence reflecting how the jury voted, or the reasons behind the jury's vote, in the first trial.

Respectfully submitted,

MARC DANN (0039425)
Attorney General

s/Jerri L. Fosnaught
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Counsel for Respondent

MEMORANDUM IN SUPPORT

On May 1, 2007, this Court issued an Order directing Respondent to file “a copy of the transcript of petitioner’s first trial, as well as any other available evidence reflecting how the jury voted, or the reasons behind the jury’s vote, in the first trial.” Respondent was directed to file this evidence within twenty days of the date of filing of the order, or on May 21, 2007. [Doc. #43.]

Craig Jaquith, Counsel for Petitioner, has provided Respondent with a copy of a transcript containing excerpts from petitioner’s first trial. However, this transcript is not a complete copy of the proceedings in petitioner’s first trial and, more specifically, does not include any of the proceedings after closing arguments.

Respondent has contacted the court reporter to obtain a transcript of the remainder of the proceedings in petitioner’s first trial. “Due to a heavy court docket and an appeal that is due in June,” Court Reporter Patricia Nash has informed undersigned counsel that she will need “at least 60 days” to transcribe these proceedings. (Exhibit A.)

Based on the foregoing, Counsel for the Respondent respectfully requests that Respondent be granted an extension of time of sixty days, through and including July 20, 2007, in which to file a complete copy of the transcript of petitioner’s first trial as well as any other available evidence reflecting how the jury voted, or the reasons behind the jury’s vote, in the first trial.

Pursuant to Rule 7.3 of the Local Rules of the United States District Court for the Southern District of Ohio, the undersigned conferred with Petitioner’s counsel, who does not oppose this extension of time.

Respectfully submitted,

MARC DANN (0039425)
Attorney General

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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was electronically filed on May 21, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Jerri L. Fosnaught
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